IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI.W.P.NO.821 OF 2005

S.G.Dhanuka and Ors. ..Petitioners

Vs.

State of Mah. & Ors. ..Respondents

...

Mr.Amol Doijode with Mr.Manju Sharma for Petitioners
Mr.Y.S.Shinde, A.P.P. for State
Mr.Subhash Jha with Jimesh Shah and Bindu Parekh i/b Law Global for Respondent no.2

...

WITH

CRI.W.P.NO.820 OF 2005

Partha Majumdar and Ors. ..Petitioners

Vs.

State of Mah. & Ors. ..Respondents

...

Mr.Amol Doijode with Mr.Manju Sharma for Petitioners
Mr.Y.S.Shinde, A.P.P. for State
Mr.Subhash Jha with Jimesh Shah and Bindu Parekh i/b Law Global for Respondent no.2

...

WITH

CRI.W.P.NO.822 OF 2005

R.Adak and Ors. ..Petitioners

Vs.

State of Mah. & Ors. ..Respondents

...
Mr.Amol Doijode with Mr.Manju Sharma for
Petitioners
Mr.R.S.Khadapkar, A.P.P. for State
Mr.Subhash Jha with Jimesh Shah and
Bindu Parekh i/b Law Global for Respondent no.2
...

WITH
CRI.W.P.NO.823 OF 2005

Surendra Kumar Singhi
and Ors. ..Petitioners

Vs.

State of Mah. & Ors. ..Respondents

...
Mr.Amol Doijode with Mr.Manju Sharma for
Petitioners
Mr.R.S.Khadapkar, A.P.P. for State
Mr.Subhash Jha with Jimesh Shah and
Bindu Parekh i/b Law Global for Respondent no.2
...

WITH
CRI.W.P.NO.2286 OF 2004

S.Dutta Roy ..Petitioner

Vs.

State of Mah. & Ors. ..Respondents

...
Mr.Amol Doijode with Mr.Manju Sharma for
Petitioner
Ms.S.V.Gajare, A.P.P. for State
Mr.Subhash Jha with Jimesh Shah and
Bindu Parekh i/b Law Global for Respondent no.2
...

WITH
CRI.W.P.NO.2287 OF 2004

S.Sengupta ..Petitioner

Vs.

State of Mah. & Ors. ..Respondents

...
Mr.Amol Doijode with Mr.Manju Sharma for Petitioner
Ms.S.V.Gajare, A.P.P. for State
Mr.Subhash Jha with Jimesh Shah and Bindu Parekh i/b Law Global for Respondent no.2
...

WITH
CRI.W.P.NO.2288 OF 2004

Shri.Nupil Kumar Gupta ..Petitioner

Vs.

State of Mah. & Ors. ..Respondents

...
Mr.Amol Doijode with Mr.Manju Sharma for Petitioner
Mr.Rajesh More, A.P.P. for State
Mr.Subhash Jha with Jimesh Shah and Bindu Parekh i/b Law Global for Respondent no.2
...

WITH
CRI.W.P.NO.2289 OF 2004

S.N.Singh ..Petitioner

Vs.

State of Mah. & Ors. ..Respondents

...
Mr.Amol Doijode with Mr.Manju Sharma for

Petitioner
Mr.Rajesh More, A.P.P. for State
Mr.Subhash Jha with Jimesh Shah and
Bindu Parekh i/b Law Global for Respondent no.2
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 27,2005

P.C.

1. Heard learned advocate for the petitioners, learned advocate for the respondent no.2 and learned A.P.P. for the State in all the matters.

2. The petitioners in all the above petitions, are seeking quashing of proceedings relating to C.C. Nos.3881/S/2003, 3879/S/2003, 3878/S/2003, 3880/S/2003, 3878/S/2003, 3879/S/2003, 3880/S/2003 and 2281/S/2003 respectively pending before the learned Addl.Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai. In the said cases, process has been issued against the petitioners under Sections 177 and 193 of IPC. The learned advocate for the petitioners submitted that the learned Magistrate committed an error in issuing process and the said process deserves to be set

aside. It is further submitted that if the process issued against the petitioners is set aside, the proceedings in respect of the petitioners, would come to an end.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within five weeks from today. In view of this statement, the proceedings before the trial Court are stayed for a period of five weeks from today.

. The learned advocate for the respondent no.2-complainant fairly states that no objection will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petitions are disposed of.

[V.K.TAHILRAMANI,J.]